

Minutes of the Town Board Meeting of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, April 5, 1977 at 7:30 P.M.

Present: Allen M. Smith, Supervisor  
George G. Young, Councilman  
Francis E. Menendez, Councilman  
John Lombardi, Councilman  
Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowski, Jr., Town Attorney

Absent: Alex E. Horton, Supt. of Highways

Supervisor Smith called the meeting to order at 7:30 P.M. and the Pledge of Allegiance was recited.

Supervisor Smith: "Ladies and Gentlemen before we get under way I have three things that I would call to your attention that maybe things on your mind. The first of which we might clear up one impression that may have been left by some recent reports relative to a speech I made not so many days ago before a businessmen's group and which was attended by Councilman Menendez and Councilwoman Tomlinson.

The old maximum about things being curiousier and curiousier applies to this particular speech as we were trying to explain some of the problems of being on this Board or any other Town Board and dealing with somewhat technical topics such as signs, farming, business, etc., etc. And so I said what does Allen Smith, the lawyer, know about farming or what do I as the lawyer who advertises with a very small sign know about the big road sign. I made that particular observation about Dr. Menendez and then I went on to say something about industry and Mrs. Tomlinson, formerly being a housewife, and, of course, what got reported was "What does a Town Board member know?" That isn't how it was meant to come out and I hope that we straighten that one thing out.

I have a further thing to do with some reports in the paper. Mr. Richard Carey is one member of our three-member panel on Police Arbitration. It was recently reported in the local press something about what Mr. Carey said or did during a pendency of those arbitrations. Mr. Carey is a busy man, he travels back and forth to places like Algeria, South America and what not. This evening he is with his Company in Syracuse, but he has left a statement that addresses in part something more to the point of what Mrs. Brandt, who is a public member of the panel, said in her report which I still don't believe is a public document until one of the other members sign it, but apparently it has been given to the press."

Supervisor Smith then read a statement from Mr. Richard Carey and said letter is filed in the Police Department Contract file in the Town Clerk's Office.

Supervisor Smith continued saying: "I believe that you can expect to hear from Mr. Carey further. At such time as this thing draws to a close, I think that Mr. Carey will have a public statement to make and possibly published in reference to what has occurred during the P.B.A. Negotiations that have now been going on for almost two years.

There is one other thing, I have placed in the chair down there, I can't see it, I hope it's still standing up, is a rendering that has been prepared by Mr. Phillip Rimland and his brother with reference to what he proposes to do between Main Street and First Avenue. It commonly involves the stores that are known as the Don Swahn Insurance Building, the Shoe Shop and the Craft Shop on Roanoke Avenue. There have been some letters in the paper with reference to this matter and there has been a historic designation on the Swahn Building. I, other members of the Town Board and members of the Landmarks Preservation Commission have met with Mr. Rimland on Saturday. We had on our rough clothes, we climbed throughout, above and under these buildings and climbed onto the roofs of the Swahn Building to determine how sound, in fact, those buildings were for preservation purposes. We hope that the Preservation Commission will take the matter up again. The idea of what Mr. Rimland proposes here is to provide a small store that will rent for approximately \$100 a month inclusive of utilities etc., a boutique kind of store. His experiences with the McClellan store that it is too big for the little guy and too small for the big guy. So he finds that there is a market for the small type of boutique store and that's what he intends to do and we thought we better make it public before any further misunderstandings about what Mr. Rimland and his brother had in mind. Any of you that have a comment, criticism, suggestion with reference to what is shown here, please let us know."

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held on March 15, 1977, and the Minutes of the Special Meeting held on March 17, 1977 and the Minutes of the Special Meeting held on March 31, 1977, be approved as submitted.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the bills submitted on Abstracts dated April 5, 1977 as follows:

General Town a/c	\$30,882.58
Highway Item #3	\$ 1,270.41
Highway Item #4	\$ 2,838.61
Special District	\$ 417.92
Community Development Program	\$ 2,654.50
Capital Projects	\$ 974.18

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the bills submitted on Abstracts dated April 5, 1977, as follows, be approved for payment.

General Town a/c	\$30,882.58
Highway Item #3	\$ 1,270.41
Highway Item #4	\$ 2,838.61
Special District	\$ 417.92
Community Development Program	\$ 2,654.50
Capital Projects	\$ 974.18

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

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OPEN BID REPORT - Parking Meters

NO BIDS RECEIVED. Filed.

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OPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT

After being duly advertised the following bids for Liquid Asphalt for the use of the Riverhead Highway Department were opened by the Town Clerk on Monday, March 28, 1977 at 11:00 A.M.

ASPHALTS, INC.  
Naugles Drive  
Mattituck, New York 11952  
Mattituck Inlet - Location of Plant

Distance of Plant 5 miles from Riverhead Highway Department Yard

Item #1: Liquid asphalt cutback supplied in quantities at various locations within the Township as directed by the Superintendent of Highways.

MC-30 .419 PER/GAL.

MC-70 .419 PER/GAL.

MC-250 .419 PER/GAL.

Item #2: Liquid asphalt cutback supplied and applied with bidder's distributor at various locations within the Township as directed by the Superintendent of Highways.

MC-30 .499 PER/GAL.

MC-70 .499 PER/GAL.

MC-250 .499 PER/GAL.

OPEN BID REPORTS - continued

MC-800	<u>.419</u>	PER/GAL.	MC-800	<u>.499</u>	PER/GAL.
RC-70	<u>.419</u>	PER/GAL.	RC-70	<u>.499</u>	PER/GAL.
RC-250	<u>.419</u>	PER/GAL.	RC-250	<u>.499</u>	PER/GAL.
RC-800	<u>.419</u>	PER/GAL.	RC-800	<u>.499</u>	PER/GAL.

Item#3: Liquid asphalt cutback  
picked up at plant of successful  
bidder as required by the Super-  
intendent of Highways.

MC-30	<u>.41</u>	PER/GAL.
MC-70	<u>.41</u>	PER/GAL.
MC-250	<u>.41</u>	PER/GAL.
MC-800	<u>.41</u>	PER/GAL.
RC-70	<u>.41</u>	PER/GAL.
RC-250	<u>.41</u>	PER/GAL.
RC-800	<u>.41</u>	PER/GAL.

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Filed.

OPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT

GEORGE E. CSABON & SONS, INC.  
Stiriz Road  
Bellport, New York 11713  
Stiriz Road, Bellport - Location of Plant

Distance of Plant        miles from Riverhead Highway Department Yard.

Item #1: Liquid asphalt cutback  
supplied in quantities at various  
locations within the Township as  
directed by the Superintendent of  
Highways.

MC-30	<u>.4389</u>	PER/GAL.
MC-70	<u>.4389</u>	PER/GAL.
MC-250	<u>.4389</u>	PER/GAL.
MC-800	<u>.4389</u>	PER/GAL.

Item #2: Liquid Asphalt cutback  
supplied and applied with bid-  
der's distributor at various  
locations within the Township  
as directed by the Superintendent  
of Highways.

MC-30	<u>.4989</u>	PER/GAL.
MC-70	<u>.4989</u>	PER/GAL.
MC-250	<u>.4989</u>	PER/GAL.
MC-800	<u>.4989</u>	PER/GAL.

OPEN BID REPORTS - continued

RC-70	<u>.4389</u>	PER/GAL.	RC-70	<u>.4989</u>	PER/GAL.
RC-250	<u>.4389</u>	PER/GAL.	RC-250	<u>.4989</u>	PER/GAL.
RC-800	<u>.4389</u>	PER/GAL.	RC-800	<u>.4989</u>	PER/GAL.

Item #3: Liquid asphalt cutback  
picked up at plant of successful  
bidder as required by the Super-  
intendent of Highways.

MC-30	<u>NO BID</u>	PER/GAL.
MC-70	<u>NO BID</u>	PER/GAL.
MC-250	<u>NO BID</u>	PER/GAL.
MC-800	<u>NO BID</u>	PER/GAL.
RC-70	<u>NO BID</u>	PER/GAL.
RC-250	<u>NO BID</u>	PER/GAL.
RC-800	<u>NO BID</u>	PER/GAL.

Filed.

OPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT

R. O. WELCH ASPHALT CO

1064 Woodcrest Avenue

Riverhead, New York 11901

1064 Woodcrest Avenue ( $\frac{1}{2}$  mile) also Middle Road and Northville  
Turnpike ( $1\frac{1}{2}$  miles), Riverhead, New York - Location of Plant

Distance of Plant  $\frac{1}{2}$  and  $1\frac{1}{2}$  miles from Riverhead Highway Department  
Yard.

Item #1: Liquid asphalt cutback  
supplied in quantities at various  
locations within the Township as  
directed by the Superintendent of  
Highways.

Item #2: Liquid asphalt cutback  
supplied and applied with bidder's  
distributor at various locations  
within the Township as directed  
by the Superintendent of Highways.

MC-30	<u>.3884</u>	PER/GAL.	MC-30	<u>.4884</u>	PER/GAL.
MC-70	<u>.3884</u>	PER/GAL.	MC-70	<u>.4884</u>	PER/GAL.
MC-250	<u>.4490</u>	PER/GAL.	MC-250	<u>.5190</u>	PER/GAL.
MC-800	<u>.3884</u>	PER/GAL.	MC-800	<u>.4884</u>	PER/GAL.

OPEN BID REPORTS - continued

RC-70	<u>.3884</u>	PER/GAL.	RC-70	<u>.4884</u>	PER/GAL
RC-250	<u>.4084</u>	PER/GAL.	RC-250	<u>.5024</u>	PER/GAL
RC-800	<u>.4490</u>	PER/GAL.	RC-800	<u>.5190</u>	PER/GAL

Item #3: Liquid asphalt cutback  
picked up at plant of successful  
bidder as required by the Super-  
intendent of Highways.

MC-30	<u>.3884</u>	PER/GAL.
MC-70	<u>.3884</u>	PER/GAL.
MC-250	<u>.4490</u>	PER/GAL.
MC-800	<u>.3884</u>	PER/GAL.
RC-70	<u>.3884</u>	PER/GAL.
RC-250	<u>.4084</u>	PER/GAL.
RC-800	<u>.4490</u>	PER/GAL.

Filed.

OPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT

R. LANSDELL BITUMINOUS CORP.,  
Box 238, Old Northport Road  
Smithtown, New York 11787  
Old Northport Road, Kings Park, New - Location of Plant

Distance of Plant 41 miles from Riverhead Highway Department  
Yard.

Item #1: Liquid asphalt cutback  
supplied in quantities at various  
locations within the Township as  
directed by the Superintendent of  
Highways.

Item #2: Liquid asphalt cutback  
supplied and applied with bidder's  
distributor at various locations  
within the Township as directed  
by the Superintendent of Highways

MC-30	<u>.4228</u>	PER/GAL.	MC-30	<u>.3849</u>	PER/GAL
MC-70	<u>.4288</u>	PER/GAL.	MC-70	<u>.3849</u>	PER/GAL
MC-250	<u>.4288</u>	PER/GAL.	MC-250	<u>.3849</u>	PER/GAL
MC-800	<u>.4428</u>	PER/GAL.	MC-800	<u>.4089</u>	PER/GAL

OPEN BID REPORTS - continued

RC-70	<u>.4228</u>	PER/GAL.	RC-70	<u>.3849</u>	PER/GA
RC-250	<u>.4228</u>	PER/GAL.	RC-250	<u>.3849</u>	PER/GA
RC-800	<u>.4428</u>	PER/GAL.	RC-800	<u>.4049</u>	PER/GA

Item #3: Liquid asphalt cutback picked up at plant of successful bidder as required by the Superintendent of Highways.

MC-30	<u>.4874</u>	PER/GAL.
MC-70	<u>.4874</u>	PER/GAL.
MC-250	<u>.4874</u>	PER/GAL.
MC-800	<u>.5274</u>	PER/GAL.
RC-70	<u>.4874</u>	PER/GAL.
RC-250	<u>.4874</u>	PER/GAL.
RC-800	<u>.5274</u>	PER/GAL.

Filed.

OPEN BID REPORT - RESETTING OF PILES AND REPAIRS OF CATWALKS AT THE RIVERHEAD TOWN, SOUTH JAMESPORT, NEW YORK

After being duly advertised the following bids for Resetting of Piles and Repairs of Catwalks at the Riverhead Town Marina, South Jamesport, New York were opened by the Town Clerk on Monday, April 4th, 1977 at 11:00 A.M.

A. LAWRENCE GALASSO  
Meetinghouse Creek Road  
Aquebogue, New York 11931

Bid Price for Resetting of Piles and Repairs of Catwalks: \$3250.00  
Filed.

AQUA-DOCK, DOCK BUILDERS  
1 Rampasture Road, P. O. Box 235  
Hampton Bays, New York 11946

Bid Price for Resetting of Piles and Repairs of Catwalks: \$3378.00  
Filed.

JOSEPH ZANGHI  
18 Central Avenue  
Hauppauge, New York 11787

Bid Price for Resetting of Piles and Repairs of Catwalks: \$6900.00  
Filed.

OPEN BID REPORTS - continuedOPEN BID REPORT - SEAT CONSOLES, ACCESSORIES AND  
INSTALLATION - POLICE DEPARTMENT

After being duly advertised the following bid for  
Seat Consoles, Accessories and Installations for the River-  
head Police Department was opened by the Town Clerk on  
Monday, March 28, 1977 at 11:00 A.M.

EASTERN L.I. ELECTRONICS  
Old Country Road  
Quogue, New York 11959

12 Seat Consoles (SC70) @	\$59.00	each	\$708.00	Total
12 Switch Modules (Sw70)@	\$13.50	each	\$162.00	Total
12 Mounting brackets (UB70)@	\$4.50	each	\$ 54.00	Total
48 DPDT Rocket Switch (SW3)@	\$5.50	each	\$264.00	Total
24 Momentary Rocket Switch (SW4)@	\$5.50	each	\$132.00	Total
12 Installation @	\$50.00	each	\$600.00	Total
12 Flasher Units@	\$5.00	each	\$ 60.00	Total
Electrical Wire (as required)	\$8.00	each	\$ 96.00	Total
			\$2,076.00	Total Filed.

OPEN BID REPORT - EMERGENCY GENERATOR PLANT AND  
TRAILER - POLICE DEPARTMENT

After being duly advertised the following bids for  
Emergency Generator Plant and Trailer for the use of the  
Riverhead Police Department were opened by the Town Clerk  
on Monday, March 28, 1977 at 11:00 A.M.

MAYFAIR MARINE SERVICE, INC.  
127 Woodcleft Avenue  
Freeport, New York 11520

Approximate date of delivery: 90 to 120 days after receipt of  
purchase order, prox

Cost of trailer and generator plant: \$5,250.00

Filed.

SUFFOLK LIGHTING SUPPLY  
East Main Street  
Riverhead, New York 11901

Approximate date of delivery: 90 to 120 days after release  
Cost of trailer and generator plant: \$5,930.00

Filed.

REPORTS

Tax Receiver's dated, March 21st, 1977 and April 1st, 1977  
Building Department, month of March, 1977  
Police Department, month of March, 1977  
Special Elections - Games of Chance  
Agreement to spend Town Highway Funds approved by County  
Superintendent of Highways  
Supervisor's Report for January, 1977 Filed.

REPORTS - continuedSPECIAL ELECTION HELD MARCH 22, 1977 - From 12 Noon  
to 8:00 P.M.

REPORT on Special Election held at the Town Hall, Riverhead, N.Y. Jamesport Fire House, Jamesport, N.Y. and Wading River Fire House, Wading River, N.Y.

IN THE MATTER of the Proposition "Shall Ordinance NO. 45 - Chapter 51 of the Code of the Town of Riverhead, entitled "GAMES OF CHANCE", duly adopted by the Town Board of the Town of Riverhead on December 21, 1976, which authorizes certain charitable organizations to conduct Games of Chance within the Town of Riverhead be approved."

<u>ELECTION RESULT - SUMMARY</u>	
<u>TOTAL VOTES CAST</u>	<u>526</u>

TOTAL VOTES - YES	<u>148</u>
TOTAL VOTES - NO	<u>378</u>

PROPOSITION CARRIED BY	<u>----</u>	VOTES
PROPOSITION LOST BY	<u>230</u>	VOTES

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Filed.

APPLICATION

Open Development Area Application - Alex E. Horton-Wading River Property

Deferred to next meeting of the Town Board. Filed.

Supervisor Smith then stated: "I think he wants to come in before the Town Board with his Attorney in two weeks."

PETITION

Midas Muffler Shop - Route 58 - Site Plan - need Town Board's approval for muffler installation.

Supervisor Smith then asked Mr. Tooker if he would like to address the Town Board with reference to this matter.

Mr. Tooker; (inaudible)

Mr. Elmer E. Smith; Architect, Schenectady, New York; "This is a request to the Town Board for site plan approval for Midas Muffler Shop and it will be located on County Road 58 and it's just east of Burger King Restaurant and I'd just like to point out a couple of facts. This is the building (pointing to the easel - showing the site plan) that we've proposed and this shows the general parking area. It shows the landscaping and I'll refer to it from time to time. This building will produce about \$11,000 in taxes and it will provide jobs for six permanent employees from the Riverhead area.

We intend to landscape along the front and we intend to landscape the sides and we will have no free standing sign. The sign will be located on the building. Lighting for the building will be accomplished by a lighting pole approximately in this position shining towards the building and another one in this position shining towards the building and a down-light

PETITION - continued

shining up on the front of the building facing County Road 58.

As far as traffic count, County Road 58 in 1973 had a traffic count of 14,600 vehicles per day and we anticipate that 40 to 60 cars would be in this place in every given day as customers. Therefore, we'd see no appreciable increase in traffic on the County Road 58 due to this building."

Supervisor Smith: "Mr. Smith, if you would do one thing for us, turn the drawing around so the people can see it or prop it up on the podium so they can look at it."

Mr. Elmer E. Smith: "This is a six-bay muffler shop and this area is here for the office and waiting room and so forth. This would be the County Road 58 and this would be the exits coming in and out. Then the cars would park on the so to speak property line between say Burger King and the site. What we said once before was that you couldn't see that all of the front will be landscaped. There would be trees and shrubs along the building. The building itself is partly composed of brick. Well as a matter of fact, it's brick all the way around and this mere wall or hard metal yellow design with block letters and I said before, it would provide employment for six Riverhead people for years to come. I want to say Mr. Forkas is here tonight. He is the owner of all the Midas Muffler shops in Suffolk County and he has a reputation of keeping the most beautiful shops in the industry. I think that if any of the members of the Board has any questions they want to hear it."

Supervisor Smith: "Now we'll direct them at you, as an architect, in this particular instance, if we may. Our consideration of your application leads us to several observation stipulations on a permit if it were to be issued.

We'll suggest and require a ten-foot planted buffer on your westerly lot line and the elimination of the chain-like fence at that location to a point that represents the northerly extension of your building line. We are requiring your fence rather than be chain-link should be a board fence, that the back portion of the parking you've pretty much paved the entire lot rather than be paved at this time and be landscaped that there be some planting done along the easterly side of the property from the rear building line to the front and that your fence height on the east side now from the front building line to the road be reduced to 4 feet.

We'll leave it open and subject to a further amendment should anyone choose to address this before we get to resolutions later on in the evening and specifically we're going to ask Mrs. Tormey to take a look at what we marked on this particular site plan."

Mr. Elmer E. Smith: "Do I understand that the balance of the fence would be the normal six foot height?"

Supervisor Smith: "Yes sir we will let you look at this along with Mrs. Tormey. There may be questions that she may have."

UNIFNISHED BUSINESS

Decision on Amending Zoning Ordinance #26 - Signs and other changes - No Action.

COMMUNICATIONS

Suffolk County Department of Planning, dated 3/18/77, relating to amended Building Zone Ordinance of the Town of Brookhaven, advising if there are not objections received by April 5, 1977, it will be assumed that there are none. Filed

Town of Brookhaven, dated 3/14/77, relating to adopted amendment on Water front lots. Filed.

Town of Southampton, relating to proposed changes to the Building Zone Ordinance, public hearing to be held April 19, 1977. Filed.

Suffolk County Department of Planning, dated 3/23/77, advising that the application of Hugh J. Wallace for Building Permit for Site Plan is a matter not within the jurisdiction of the Suffolk County Planning Commission. Filed.

Mrs. Mary A. Abbott, P. O. Box 503, Jamesport, N.Y., dated 3/14/77, requesting information on the construction of a jetty in front of Congressman Pike's property in Jamesport and for any information on beach restoration. Mrs. Abbott states that she wrote six months ago (on behalf of a group of homeowners) requesting this information and she has never received a reply. Filed.

Town Clerk reported that she has checked all of the files and the Town Board Minutes pertaining to communications and could find no record of receiving the prior communication. Also that she can refer her to the N.Y. District Corps of Engineers Public Notice No. 8543, dated July 14, 1976, advising that an application has been filed for the jetty construction and that any criticisms or protests should be prepared in writing and mailed prior to August 16, 1976.

She asked that the Town Attorney or someone advise Mrs. Abbott about beach restoration.

Referred to Mrs. Joyce Burland, County Legislator, District #1.

Mrs. Frank Sowinski, Jamesport, N.Y., advising that there are three trees in front of her house that belong to the Highway. They have cracks in them and in the warm weather they have lots of ants. The trees are not too big but they are cracking up her driveway. Mrs. Sowinski would like the trees taken out. Filed.

Referred to Highway Superintendent.

Mr. & Mrs. Bruce Ferguson, dated March 16, 1977. Submitting petition list of neighbors requesting street lights and asking that some progress be made on having Calverton Court road completed. (Calverton Court road is a Town Road). Filed.

Mrs. Ferguson informed the Town Clerk that due to the darkness, all of the cars in the area are constantly being drained of gas.

Referred to Street Lighting Committee.

COMMUNICATIONS - continued

New York District, Corps of Engineers, dated 3/17/77, advising Donald A. Denis, that application number 77-141 has been assigned to application for a construction permit submitted in behalf of the Town of Riverhead for activity located in Peconic River, Riverhead, Suffolk County, New York. Filed.

Supervisor Smith then stated: "There is ostensibly scheduled a Department of Environmental Conservation Hearing with reference to our application in that no objections to the proposed work have been filed with the DEC. Mr. Donald Denis has been advised that that hearing has been adjourned.

State of New York, Department of Transportation, Notice of Completion Order dated February 15, 1977 on 40 MPH zone within the Aquebogue area and giving boundaries of the area. Filed.

Riverhead Fire Department, dated 3/17/77, extends invitation to the Town Board to attend the annual inspection and memorial service of the Riverhead Fire Department on May 1, 1977. The inspection will start at 6 P.M., at the Second Street Fire House and memorial service will follow at 7 P.M., at the St. John's Auditorium on Roanoke Avenue. Filed. Town Board accepts invitation. Town Clerk to so advise.

Jamesport Fire District, dated 3/16/77, requesting the installation of street lights on the corners of Manor Lane/Route 25 and Herricks Lane/Route 25. Stating that there have been some near accidents on these two corners because of the lack of proper lighting and the installation of lights would provide an extra safety factor in the performance of the duties of the firemen.. Filed.

Referred to Lighting Committee.

Polish Town Civic Association, dated 3/22/77, extending invitation to the Town Board to attend the annual Polish Town Fair to be held on Saturday, August 20, 1977 from 10 A.M. to 8 P.M. Filed.

Supervisor Smith then stated: "We have the matter of the Polish Town Civic Association of annual fair on August 20. I see some members of the Chamber and it comes to mind that you're going to have your street sales sometime in the future. Have you picked a date? If you have, we'll pass a resolution authorizing both."

Landmarks' Preservation Commission, dated 3/18/77, advising that the Landmarks' Preservation Commission has agreed to take under consideration the structure at 40 East Main Street, Riverhead (The Don Swahn Insurance Building) as a landmark, and in compliance with the Preservation Ordinance Section 8(a), the Building Department and the

COMMUNICATIONS - continued

Town Clerk shall not issue any permit for the demolition, alteration or improvement of said place, site, structure or building for a period of one hundred twenty (120) days. Filed.

Copy of communication under date of 3/2/77, from Supt. of Highways to Mr. G. W. Selleck, No. Country Road, Wading River, N.Y., in reference to drainage problems in the vicinity of Century Farms, Three Village Homes. Filed.

Harold Shapero, Esq., dated 3/31/77, copy of letter to Police Chief Palmer, commending Lt. Grattan and Officer McGregor for the assistance they rendered to Mr. Shapero on March 30, 1977. Filed.

John A. Cushman on behalf of Rotary Club to Stanley Grodski, dated 3/19/77, (referring to Mr. Grodski's visit to Rotary on March 9th), stating that the Rotary appreciates his bringing all of the details of the Recreation branch of our Town Government. Also that he was impressed with Mr. Grodski's analysis of all the Recreation programs, determining where there were some weaknesses and where certain improvements can be made. Filed.

Town of Riverhead Conservation Advisory Council, Charles E. Lawrence, Chairman, dated 4/4/77, relating to the application of Bogdan Radonovich to fill his property in Jamesport. The Council recommends the permit be granted to Bogdan Radonovich, providing logs and other wood debris be removed before filling. Filed.

Supervisor Smith then stated: "Under unfinished business we have the item involving Mr. Radonovich and there is a resolution which authorizes Miss Block to issue a permit."

Suffolk Chapter CSEA Inc., Irwin M. Scharfeld, dated 4/4/77, requesting a Legislative Hearing before the full Town Board in order to resolve the impasse that exists between the CSEA Riverhead Town Unit and the Town of Riverhead. Filed.

Mr. & Mrs. Bruce Ferguson, 59 Calverton Court, Calverton, N.Y., dated 4/1/77, submitting problem of a Town Road (Calverton Court), that is not completed. Filed.

Supervisor Smith then stated: "Ordinance §26 signs and other changes will not be acted on this evening and Jamesport Associates is a filed subdivision map on the north side of

COMMUNICATIONS - continued

Peconic Bay Blvd., near Locket Drive a little bit west of there on the north side the gentleman wished to abandon the map. We have written him a very polite letter which says you can't abandon a filed subdivision map by just saying so. There's a legal procedure that must be followed and he must follow it. In a very few moments we have the hearing beginning, and what I'd like to do at least for a couple of minutes is take a break and get an easel and a couple of maps up here before we begin."

Supervisor Smith recessed the Meeting for five minutes.

The meeting reconvened and Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:15 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling Public Hearing for April 5, 1977 at 8:15 P.M. on application of Northville Industries Corp., for Special Permit to expand Oil Storage facilities.

The affidavits were ordered to be placed on file.

COMMUNICATIONS:

Town of Riverhead Planning Board, dated 3/4/77, recommending to the Town Board that the Special Permit Application of Northville Industries Corporation to construct petroleum storage facilities at its terminal in Northville, Town of Riverhead, State of New York, be approved subject to:

1. Permission being obtained for unannounced site inspection of the operations of the facility;
2. Submission of a geological report as to the necessity of installing an impermeable barrier in the dike area;
3. Submission of a report from the Fire Inspector as to the adequacy of the fire protection system. Filed.

Supervisor Smith: "Mr. Ackell may we assume then that you have no objection to unannounced inspections?"

Mr. Joseph J. Ackell, Vice President and General Council of Northville Industries: "Yes, unannounced site inspections are perfectly satisfactory to Northville."

PUBLIC HEARING - continued

Supervisor Smith: "With reference to the second item, Sir, I believe that you have prepared this evening in response to inquiries by the Planning Board and other Boards of the Town of Riverhead, to address the ground water matter."

Mr. Joseph J. Ackell: "That is correct Mr. Supervisor."

Supervisor Smith: "And lastly Mr. Wiwczar for the record is it a correct statement that you as Fire Inspector of the Town of Riverhead have examined the fire fighting equipment provided by Northville on site and you have found that fire fighting equipment to be adequate?"

Mr. Raymond Wiwczar: "Yes."

Supervisor Smith: "Miss Block we would read these other two matters of communications into the record please."

Clerk Town, Helene M. Block: "Suffolk County Department of Planning, dated 3/18/77 and it's in reference to this matter of Northville Industries Corp. and it says, 'Please be advised that pursuant to sections 1323-1332 of the Suffolk County Charter the above caption application is not within the jurisdiction of the Suffolk County Planning Commission.'"

This is the same word for word letter to the Town Clerk, Town of Riverhead."

Supervisor Smith: "Mr. Ackell this is a hearing pursuant to the provisions of Chapter 108 of our Town Code and it provides for sworn testimony and that you're acting as an officer of the Corporation. Will you take an oath?"

Mr. Joseph J. Ackell: "I certainly will."

Supervisor Smith: "Would you proceed to give the public and the Board a brief overview and presentation of what is proposed by your corporation?"

Mr. Joseph J. Ackell: "Thank you Mr. Supervisor, and before I do I would like to supplement the reference earlier to approval by the Fire Inspector in the Town of Riverhead with a letter dated March 7, 1977 by the Chief of the Riverhead Fire Department in which the Chief indicated that an inspection of our installation has determined that the existing fire fighting system installed by Northville Industries is adequate, and in addition that the additional fire protection plans for the expansion area meet with the approval of the Fire Department."

Supervisor Smith: "Will you please submit that."

PUBLIC HEARING - continued

Mr. Joseph J. Ackell: "Northville Industries appears tonight in accordance with its petition and application dated February 11, 1977 to this Board in which it petitions pursuant to Section 108-3 and 108-48 (B) of the Riverhead Code for a Special Permit to construct, within three years, approximately 2.6 million barrels of storage consisting of petroleum storage tanks. On an area of 40.5 acres the site plan appears as exhibit "A" to the petition dated February 11th.

Also Northville asks in accordance with Section 108-3 (G) for a 5% variance. That's with respect to set-back, area coverage, and height. We have further applied to the Zoning Board for a height variance from 35 ft. to 48 ft. A hearing was held on that matter on March 10th and adjourned to April 14th. This Special Permit Application has been the subject of various hearings and meetings with Riverhead Town authorities.

In addition, we have furnished substantial written materials with respect to the proposal now before the Board. In connection with the Joint Board Hearing on December 16th, we furnished a somewhat lengthy memorandum dated December 15th. On February 11th, we filed our petition together with exhibits consisting of a site plan, a disclosure affidavit, an abstract of title, a form of the building permit that will be filed if this Board acts affirmatively. The Young & Young certification with respect to land utilization, our spill prevention and control and counter measure plan under EPA Regulations, and our off-shore oil spill contingency plan in accordance with coast guard regulations. I would ask that all of these documents already filed with the Board be made part of the record of this proceeding."

Supervisor Smith: "They are deemed marked and entered into the record."

Mr. Joseph J. Ackell: "Subsequent to the filing of those documents on April 5th, today, we filed or submitted to the Board a report from our consulting engineers the firm of Mueser, Rutledge, Wentworth & Johnston together with a transmittal letter from me. Their report is dated 4/4/77 and it is with respect to the protection of the ground waters in the vicinity of our terminal. I would also ask that that be made part of the record."

Supervisor Smith: "Deemed marked and filed in this record."

Mr. Joseph J. Ackell: "In addition I would advise the Board that the materials that the Building Department indicated would be necessary to be filed in the event this Board acts affirmatively have all been prepared and are ready to file in the event we receive the requisite of approvals. The only exception to that is with reference to the tank construction plans and that we would have not selected a tank contract until we know we have a permit."

PUBLIC HEARING - continued

It's not my purpose to repeat everything here that we've said at these early meetings or in our written documents, except I would like to simply summarize our application and some of the decisions we've at Northville since the Joint Board Hearing held on December 16th.

We are asking for a permit to utilize an area of approximately 40 acres situated about here on this aerial photograph taken this past summer of our existing Northville facilities. We're asking to build six tanks, two of them will be 310,000 barrel tanks, two-430 barrel tanks, and two-570,000 barrel tanks we are not persuing the alternative that we had mentioned at the Joint Board Hearing on December 16th. And, of course, we are asking permission to construct the associated infrastructure consisting of utilities, and piping that will be part of the expansion area. All of the tanks that will be located in the area and let me show exactly how this falls on this plot plan. I've just lowered over a plot plan and overlay that indicates exactly where the six tanks that I have just described will be situated. It's evident from the diameters of the tanks where the respective sizes will be situated. The areas marked in green here are potential areas for future development, but we're asking no permission at this time for any development in those areas. The area near Sound Avenue is intended to remain as undeveloped area except perhaps at some time for an exit road."

Mr. Ackell continues:

"We've made a decision that all of the tanks in this area will be covered tanks, they will have a roof on them, in addition to that they will have a floating roof which in terms of safety and protection against environmental pollution provide the best technology today. We'll have a somewhat more detailed description of the floating roof with Mr. Hans Wendel.

In addition, since December 16th we have had a number of consultations with representatives of the Town of Riverhead and with our consulting engineers and based upon those discussions and studies made by Mueser, Rutledge, and we have decided to place a clay or equivalent liner underneath each of the tanks and within the entire area, of the tank pit. The purpose being to protect against the most unlikely event of a tank rupture in which event the entire contents of a tank would be held within the dike and it is our purpose in providing the clay layer to protect the ground waters by retaining the petroleum thus spilled and enabling us to pump it out of the facility before it penetrates that subject as well.

In addition we have made modifications to our plans for fire protection that Earl Espeland will go into in greater detail as a result of meetings with the Fire Department and their inspections of our facilities and our proposed plans. Let me just address myself briefly to the purpose of the expansion.

PUBLIC HEARING - continued

I think there is a greater public awareness today than perhaps ever of how sensitive our petroleum supplies are in the United States and perhaps even more sensitive in the north east region which has certainly - this area does not have a large amount of storage capacity and New York, of course, is extremely limited refining capacity. It's our purpose to increase the amount of storage available to Northville, the effect of which is to increase Long Island's storage capacity and to increase our ability to receive tankers at the Riverhead terminal which is one of only two terminals on Long Island that can receive tankers."

Mr. Ackell continues:

"As we all know from this past severe winter, even Long Island Sound was frozen. We had substantial difficulty bringing tankers even in Riverhead and the true life line of energy to the Island during that period was the Riverhead platform and to some extent Port Jefferson Harbor. But all the traditional receiving points for barges on the north shore and south shore of the Island were frozen in ice. The Island had to rely almost exclusively upon our facilities. We hope as well the regional storage requirements, by that I mean, the storage of products such as residual oil, required by industry, required by utilities, some of which are stored in our facility today. We protect in addition against the event of a future embargo by adding to the storage capacity of this region.

Today we have in the area of 14 days or less of storage petroleum products, the more facilities that we build, the more we increase that reserve capacity. We don't know, however, today, exactly what we will use these new storage tanks for. We are in the process of marketing the availability of these tanks and in the future I hope during the construction period will determine the exact use or perhaps a multitude of uses to which they will be put. There are several areas where I believe that further explanation of our application would be appropriate. These areas are the safety areas that we have undertaken in the expansionary, the ground water protection that we have provided, the drainage of storm water run-offs, and finally the landscaping that we intend to do in this area. And I would ask first that Earl Espeland address himself to the safety measures and briefly to the landscaping."

Supervisor Smith: "Mr. Espeland do you swear that the testimony that you will give before this Board will be the whole truth and nothing but the truth?"

Mr. Earl Espeland: "I do."

Supervisor Smith: "Give your name to Miss Block."

Mr. Earl Espeland, Terminal Manager and Coordinator for Northville Industries; "I think that this drawing better shows

PUBLIC HEARING - continued

the relationship of the expansion area to the existing facility. The piping within the existing tank areas will be extended centrally through this whole area. The fire fighting system and the existing fire pumping system and water tank is located here in the utility area and I'll go into further detail a little later on."

Mr. Espeland continues:

"The spacing of the tanks as you'll note is in such a way that two tanks are located within one tank area and they're spaced so that we have adequate road access around the tank area for equipment, emergency systems or whatever including the fire system.

The tanks themselves will be erected on concrete ring wall foundations, and the elevation of the tank, as you can see right here, will be lower than the existing tanks.

The operation of the terminal of the expanded area will be pretty much the same as what we have now. The terminal is manned 24 hours a day by competent and qualified terminal operators. The existing piping systems as I mentioned before will be extended into the new area to a centrally located manifold and then connected to each of the tanks. A dual-alarm system will be or a dual-level alarm system will be connected to each tank and electrically connected to the master annunciator panel and the terminal alarm system.

Each tank as Mr. Ackell mentioned before is an internally covered floating roof tank which has three tremendous benefits through terminal operation. One of them being that first of all there's no...."

Supervisor Smith: "Mr. Espeland if I may interrupt for a moment, is it correct to say so that everyone understands what you're saying, there is a fixed roof up on top of each one of these, and within the tank riding up and down with the oil as it comes in and out is another roof."

Mr. Earl Espeland: "That will be gone into detail - Mr. Wendell will show the detail of that. The benefits operationally speaking is the omission of vapors into the atmosphere, and, of course, from a safety angle it just about eliminates vapors around the tank area while the tank is being filled, etc.

Now into the fire system. The existing fire system is supplied from a 2,000 gallon minute well which supplies 850,000 gallon water tank right here. Within the adjacent firehouse which also houses the well-pumper, we have 2,500 gallon per minute at 125 P.S.I. diesel driven pumps. The pumps are automated, the system is completely pressurized and flooded at all times. The hydrant system will surround each tank. I'll show a better drawing of that.

PUBLIC HEARING - continued

If we can get orientated here now, we have the water tank here and the foam house and the firehouse here. The existing system being above this drawing. The hydrant system surrounds each tank area - you notice the blue dots here-they're marking the hydrants. As I mentioned before the hydrant system is completely pressurized and immediately upon opening one of the hydrants and the pressure dropping within the system the appropriate diesel will start and the pump will operate and upon demand the second one will start, giving us a total of 5,000 gallons a minute at least 125 pounds."

Mr. Espeland continues:

"In addition to that, we have a foam system provided with the water system and it is a completely separate main that goes right through the tank area as well. Within the foam system or within the hydrant system at strategically located points, we have a 1,000 gallon per minute foam water monitor. There is a 3,000 gallon tank of light water foam concentrate which is fed into a proportioning system and the proportioning system then feeds into the main foam system and then into the tank area. Again that is also flooded. At strategic points from that foam header we also feed into a foam subsurface injection system which is supplied to each of the tanks. The foam subsurface injection system is designed to protect the seal area of the floating Tank.

In addition to this fire system; we have a portable foam trailer plant for this facility with 500 gallons of light water foam mounted on a trailer giving us the mobility of foam equipment. It will connect to any water hydrant supply and give foam to two, one and one-half inch portable monitors. That trailer will be located in the firehouse immediately available for any emergency, whether that be within the terminal or within the Township of Riverhead or any where, where it might be needed.

I will also say that this is really a result of working together with the Fire Department on the existing facility and also certainly with the expansion program and this was a recommendation by them and we found it to be of tremendous value here also because of the tremendous distances that we have between the tanks, etc."

Mr. Espeland continues:

"The employees of Northville are trained for fire fighting at the Suffolk County Fire Training Center and also in drills that are conducted in cooperation with Jamesport and Riverhead Fire Departments. The system again was the result of extensive study from an in-put by the Riverhead Fire Department particularly the Chiefs of the Riverhead Fire Department as well as Jamesport and certainly with the insurance underwriters and certainly in the court with the N.F.P.A. Regulations.

PUBLIC HEARING - continued

I'd like to address myself a little bit now to the construction area and talk about the landscaping that will certainly be taking place or be provided right to the south and outside of the diked areas. In no way is this intended to shield the tanks. We will make the tanks as pretty as we can, obviously, and by providing a clean terminal and certainly by providing landscaping that is neat and pleasing to the eye. I think that we can make it an attractive sight. Certainly down by Sound Avenue we intend to do more extensive landscaping and a landscaping architect will be employed for that particular purpose. Again the cleanliness of not only the tank area itself, but also the cleanliness of that landscaping certainly makes it more eye appealing. I think I just about covered every point that I would like to make."

Supervisor Smith: "If we could have, Mr. Ackell, your technical man tell us something about the tanks and then let's give everybody a chance to have their say."

Mr. Joseph J. Ackell: "We have just one more witness Mr. Supervisor, and then we're open for questions."

Supervisor Smith: "Sir, do you swear that the testimony that you will give in this hearing before this Town Board will be the whole truth and nothing but the truth?"

Mr. Hans Wendel: "I do." (Chief Engineer Northville Industries) "I would like to address myself to the question of the ground water and construction problems. First of all the layout of this new area here that we are intending to do, construction here in the back of the old Northshore Terminal moraine. The ground water, roughly speaking, if we take an average surface here about 70 feet below the surface, the ground water table at this spot is about roughly 10 feet above water in the Sound and presumably slopes toward the Sound.

In our construction as Mr. Ackell and Mr. Espeland have mentioned each two tanks will be contained in a complete dike system inside a pit. This is shown diagrammatically on this sketch here. Each of the pits is large enough to take the eventual spillage from the largest tank when it is entirely full and still makes allowance for the fact that there is a second unbroken tank within the same pit. The construction that we propose consists of placing the tank itself on ring walls, concrete ring walls which transmit the load to the ground. There are very good bearing properties in this ground and to shape the land in such a way that we get proper slopes in each drainage pit which will permit ultimately the collection and the run-off of any storm water.

PUBLIC HEARING - continued

However, the essential thing we were talking about here as is, that we propose to put a layer of clay, be it natural or artificial clay under each tank. And in addition put a layer of clay again, natural or artificial under a covering surface for the entire width of the pit and up the dike. We have been advised by our consulting engineers that while the exact proportioning of this liner will obviously depend on what exact material is selected, every natural clay is somewhat different. These impermeable layers will contain any spillage for at least 36 hours. In fact, this particular criterion is based on a particular clay sample that we gave our consultants from the Riverhead area and it is possible to perhaps improve on that."

Mr. Espeland continues:

"In any case our plan is that should a spillage occur unlikely as it seems to be at the present time we would have an impermeable barrier between the pool that will have formed in here and the soil below. We will have in this pit and we will make this part submitted to the Building Department a drainage system consisting of a permanent piping system. This permanent piping system will be connected on the one hand to a recharge basin here in case it is needed for storm water or normal run-off and on the other hand it will be connected to the pump station which we will erect here. We will, therefore, be able to pump out the largest pit should a complete tank rupture in a maximum of 20 hours. And we are thus assured that we will have no seepage of product into the ground. These pumps will return any spilled product to other tanks or other means of temporary storage.

I should add under normal conditions the normal run-off will go to a recharge basin which will be part of this construction. I think there was some question about a floating roof. I think it has been answered essentially. A floating roof is nothing but a pan which floats on top of the liquid, goes up and down with the liquid and in this particular case there is a roof on top of the floating pan. The purpose of this pan or the key to why it's important is, that it is sealed here against the inside of the shell and since it rests on the surface and is sealed off here by metal or fabric seals or foam seals no vapor can escape. Since no vapor can escape there's no pollution to the atmosphere. On the one hand there's furthermore no saturation of vapors in this space above the roof and, therefore, no danger of ignition.

There have been recently in California tests under the sponsorship of the A.P.A. and various California agencies which have come to the conclusion that environmentally speaking this is by far the most emission-free system existing tank systems now in use. I think that completes what I want to say."

PUBLIC HEARING - continued

Supervisor Smith: "Is this your last witness Mr. Ackell?"

Mr. Joseph J. Ackell: "Yes Mr. Supervisor."

Supervisor Smith: "I think what we'll do is take a five minute break and have your exhibits remain up here if you may, so that those who are interested in specific exhibits may look at it before we ask for comments from the audience."

Supervisor Smith called a five minute recess after which time the meeting reconvened.

Supervisor Smith: "For those of you that are unfamiliar with hearings before this Board, we would like you to please only address the Town Board and if there are any questions after you've spoken we will have them answered as best we can. Give your name and address to Miss Block. With the numbers of people that we have in the room, until the evening gets a lot longer we'll have statements 10 minutes or less. Once you've had your say you've got to wait until somebody else had their say and you can get up again. Does anyone choose to address the Town Board on this application?"

Mr. Walter Karl, West Lane, Aquebogue: "I have two questions. One of them would be the fire. You had the tank which is just below the firehouse. If there should be an explosion and we have flames going, what would happen to the firehouse? The other question is that in the past we've heard from people, the Fire Commissioner, Town Board, the Planning Board and all of these people do not live in this area. Now what about the people that live in this vicinity, how are they going to be affected by this? We have another problem with Photo Circuits but that's beside the point."

Supervisor Smith: "That's why we have the public hearing Mr. Karl to let people have their say. Earl will you answer the question with reference to the fire."

Mr. Earl Espeland: "The location of the firehouse and the water tank was designed according to the underwriters recommendations that they be a certain distance away from the storage tanks which they are. The existing distance here I believe is about 200 feet which is a considerable more than what was required by the underwriters. The distance from the firehouse to the new storage tanks is even greater than that of the first tanks or the existing distance between existing tanks and the fire system.

Again the whole fire system, is underground which is another thing in favor as far as water or the piping system and so forth being available to the fire the hydrants are located outside of the diked areas in most areas and all of this has been taken into consideration in the design and the layout of the fire system."

PUBLIC HEARING - continued

Dr. Alfred Smith: Northville Beach Civic Association:

"I have a few questions. To get back to the Suffolk Life article, Allen, I know they never quote you correctly but we did get quite a chuckle out of the fact that East End Businessmen were asked to come down and help Northville against their opponents who would be here in force. Well I think there are about three or four of us here in force."

Supervisor Smith: "Again I give you the credit to the paper for quoting exactly what I say. Part of what I was saying earlier in the meeting with reference to Dr. Menendez and Councilwoman Tomlinson is not necessarily that a person should sponsor or fight for a particular side but that they should turn out."

Dr. Alfred Smith: "It is a sad commentary on Riverhead. I find it very apathetic in every damn thing they do here."

Supervisor Smith: "Well we're not all that apathetic but the intent of speaking to a business group was asking them whether or not they are concerned."

Dr. Alfred Smith: "One other question was I never knew there was any difference between industry and business. Did you Dr. Menendez? It's a good business isn't it?"

Way back in 1954 we would have liked to have buried Northville and we tried hard and at that time it was before '54, '53 I think it was, and we put up a big fight trying to get them, and the Town Board was on our side at that time and we tried to prevent them from coming in here. The Town of Riverhead had no restrictions what-so-ever, there was no zoning and Northville had a lot of money and without any trouble they came in here.

They gave us the same story they're giving us today about how wonderful its going to look for us and they put the tanks up there. They were very slow in painting them, they were very slow in keeping a clean house up there for a good many years. Their landscaping, for I think about three or four years, consisted of one lone tree, that didn't have many branches on it, didn't give any shade, didn't hide any of the tanks. Shortly before they decided about three years ago they decided to put up two tanks which were 48 feet tall and they had to have another hearing. They did a pretty good job of landscaping and this is true with all the big companies, they have all the money they need but they don't spend it any more than they have to. I don't know what we have to say that they're going to do all this landscaping, I hope they will. They have more money now. They probably will, but what concerns me is where are we going to watch these people. And this is the same not only with Northville, it's the same as everything.

If you read in the papers last week on the 29th of March, I think it was in Newsday where they had an article by Stewart Diamond on what happened with L. I. Computer Circuit Corp. of

PUBLIC HEARING - continued

Hauppauge. They're still in business and they had separate notices from the State and County Officials that its operations are a menace to the ground water supply. The history of how official agencies dealt with the firm reported this week in Newsday is a horror story. The firm has discharged millions of gallons of contaminated water into the ground within two miles of nine County wells that supply water to Smithtown. At one time the concentration of copper was 12,000 times and of lead 250 times higher than the State Health Department Standards. The firm broke compliance schedules refused to pay a \$50,000 fine and violated State Administrative edicts. The punishment for all this was a \$1,000 fine levied last month after a criminal case was brought. Now we're in the same boat here."

Dr. Smith continues;

"We have to take their word for all of this question of contaminating water. Now then here we put up a big fight some years ago, when fuel desulphurization tried to get in up there in the same area. We put up a pretty good fight and I think that we were responsible, the Town and so forth were responsible for getting fuel desulphurization out of our area. Remember that time the Town Board was very much in favor of it? It meant taxes.

Here we are 10 years later and an article where Mr. Koppelman who's head of the Suffolk and Nassau Planning Committee makes a statement in the paper according to Carl Grossman. "If Eastern Long Island is allowed to develop the way Nassau developed then it will have in my opinion an absolute water shortage," said Mr. Koppelman. But not only the density of the people in the way they are housed is important but kinds of industrial activity permitted is also a main factor. Mr. Koppelman speaks of the fuel and desulphurization plant planned for Jamesport in 1970. Adjacent to the sight now being proposed for two nuclear power plants an accident involving oil could have destroyed the fragile water sources nearby, he stresses. Mr. Koppelman didn't raise a finger to help us on that deal. Now he comes out and tells us this.

Now there are several questions and one is some place here it says 10 tanks and other places six. I presume it's six but I'd like that clarified. Another question is Mr. Ackell in his report on page 7, paragraph 10, says there are hazards and disadvantages of this plant to the people but there are also greater advantages. I would like to know what he calls the hazards and disadvantages to the people of the Northville area. I don't know if it's the same as what we consider or not. He might have something we don't know about.

What percentage of oil is for Long Island? And what percentage is for New England? Is there a refinery in the future? Is 61 acres enough land for a refinery? Will this report that they have where they're asking for the soil evaluation and whether it's going to be clay or whether it's going to be a clay

PUBLIC HEARING - continued  
substitute, I wonder why they don't know now which it's going to be?"

Supervisor Smith: "I believe Mr. Ackell said something to the effect of soils of availability, Doc."

Dr. Alfred Smith: "Which means what?"

Supervisor Smith: "If the clay is in the area you use natural, if it conforms to the specifications..."

Dr. Alfred Smith: "One other thing is what is the life span of these tanks? We know what the life span of an ordinary tank is that you have in your cellar and we wondered if these lasted longer? What would be the disadvantage of putting a road to Sound Avenue directly from their property rather than using Sound Avenue directly from their property rather than using Sound Shore Road and Penny's Lane? Especially with this construction and also the construction of their new pipe line this summer. There's going to be an awful lot of traffic on that road I would presume. I think that's about all the questions we have."

Supervisor Smith: "I believe that Mr. Ackell has stated in reference to your question #1 that the reference to the ten tank configuration is abandoned. Is that correct Mr. Ackell?"

Mr. Joseph Ackell: "That's correct."

Supervisor Smith: "So the only application that we have before us at this time, is the configuration showing six."

Mr. Joseph Ackell: "It's the configuration that we have before us on the drawings and that which is described in the petition and there is no other in this petition."

Supervisor Smith: "If as a condition of this Special Permit you are asked to service the site with reference to construction trucks, materials, etc., from Sound Avenue could that be done?"

Mr. Joseph J. Ackell: "Directly from Sound Avenue, in other words, build a road through the farmland that is presently in use in that area."

Supervisor Smith: "A whole road of some sort."

Mr. Joseph J. Ackell: "It is possible. We're reluctant to do it until such time as our truck traffic warrants the construction of such a road. We don't foresee such a material increase in that traffic to warrant using that land for that purpose at this time."

PUBLIC HEARING - continued

Supervisor Smith: "I think Dr. Smith's inquiry was directed at the construction trucks, not your overall operation. That might be something you might consider."

Mr. Joseph J. Ackell: "We'll take it under consideration, Supervisor."

Supervisor Smith: "What is the useful lives of the tanks?"

Mr. Joseph J. Ackell: "Useful lives of tanks is like the useful life of anything that requires maintenance. We try to attain the highest levels of maintenance. Certainly when we're talking about the facilities that are pictured here you can see from the photograph itself that we keep a high quality of paint on and we're required in the tanks at all times and that's the first level of protection. In addition it's described at length in the petition but we provide cathodic protection to our tanks and other facilities at the terminal. The purpose of which is to create a sacrificial anode so that electrical currents that might otherwise cause corrosion and pin hole leaks are avoided. Using the highest levels of maintenance the life of tanks is in excess of 30 years."

Supervisor Smith: "Sir, the exact language that's referred to by Dr. Smith, is your language, disadvantages and hazards. Can you briefly please annunciate your considerations there.."

Mr. Joseph J. Ackell: "Yes, Mr. Supervisor, the context in which that statement is made is in the context of the requirement that the Board make a determination with respect to whether the advantages of Northville facilities as expanded outweigh the potential hazards or disadvantages to the neighborhood. There is built into the question and assumption that hazards and disadvantages exist and I'm the first to admit that an oil terminal presents certain hazards and disadvantages to a community.

I'm the last to say that an oil terminal is the prettiest industry that one can create. However, we try our best to make it the least unattractive as possible. The hazards are the very questions to which we have directed ourselves and have tried to apply the higher standards of protection. We recognize that oil of various types present a fire hazard. Therefore, we have tried to up-grade our fire system on a consistent basis and we believe that we have the highest level of protection available today in the expansion area. The Riverhead Fire Department appears to agree with us. The possibility of contaminating ground water in the very remote event of an entire tank rupture is, of course, a disadvantage or a hazard.

Again that very material additional expense and not with reluctance- contrary to the suggestion made by Dr. Smith we have built into this facility the expansion area, the clay liner or substitute concept. We believe that provides the maximum of

PUBLIC HEARING - continued  
protection against such a hazard."

Supervisor Smith: "Talk about that clay. Did I hit it right, if the clay is available then you use clay, if not you use the artificial?"

Mr. Joseph J. Ackell: "No, that's not necessarily so. We looked at a sample of available clay in the Town of Riverhead and we asked that Mueser, Rutledge, our consulting engineers; conduct tests with respect to that clay. What we don't know is whether there is a sufficient amount of the clay available, where it is, whether it has to come out of one or more clay pits. We don't know at this point exactly what it would cost us not knowing what areas, and in what quantities it is available. On the other hand, we do know that there is an artificial clay which is called "Bentonite" that is available. We know how much it costs. It may well be that we will, however, if we could use a local product and achieve the same result then we would like to do it as long as we don't have a material increase in price."

Supervisor Smith: "Under the current plans of Northville Industries are you thinking about any sort of refinery at this site?"

Mr. Joseph J. Ackell: "No we are not Mr. Supervisor."

Supervisor Smith: "Can you tell us something, Sir, about the relative percentages of your storage used for Long Island customers as opposed to New England customers?"

Mr. Joseph J. Ackell: "I really have difficulty because we are in the business of storing oil for customers. To a limited extent Northville is it's own customer and that it markets various types of oils. However, we do not control what our customers do with their own oil. Many of them do move it out of the facility, maybe moved elsewhere on Long Island, it maybe moved beyond that. It's not for us to decide."

Northville Industries supplies a great deal of home heating oil and residual oil in this area and all of that oil comes out of the Riverhead terminal. I'm just not in a position simply because I don't have knowledge of what our customers do with their products to say to what extent of what percentage the amount of oil that's received and stored at Northville is actually consumed on Long Island and I don't have the remotest idea how much is consumed in New England."

Dr. Caryl Granttham, Riverhead First Committee: " I think what we're really concerned about those of us who speak in the public interest and have no other reason for speaking is that the Town Board maintain a stewardship in the public interest over such facilities and I only bring to mind two points. One is that we're

PUBLIC HEARING - continued:

now in this Town spending about \$130,000 of Federal Revenue Sharing Funds to rectify drainage problems that were left because Town Boards, your predecessors, really did not act in the long-term public interest and I think that any facility even though it may promise to bring us great tax benefits also does bring problems that you as our protectors really must keep in mind at all times.

I would like to remind this Town Board that when a hearing was held on this height variance which I think again very few of us spoke our concerns at that time Northville Industries had no adequate well for fire protection and indeed the foam was some distance away and since that time I understand that that has now some greater concern that could arise from any kind of accident at that terminal.

Another point that I'd like to make and then ask two questions if I may. One of the problems that we've had with the long, long hearings on the LILCO proposed plants is the question of quality assurance. Now we've been told here tonight that they're going to put a clay liner and that does arise out of our concern for the water table. But we are not experts and you are not experts and I think this is far too serious to simply take the words of Northville Industries that they will use clay, whatever they deem best to protect our water table."

Dr. Granttham continues:

"Also they say that the drainage pattern of our water table is sure wood. It is sure wood to some extent but then it reverses and also has a southern drainage pattern which in effect has a great implication for the communities which surround this plant to the south. Now I'd like to ask two other questions, if I may. Other uses to be determined, I'd like an answer to that question and I'd also like to raise the second question. As you well know the LILCO application projects two 800 foot jetties into Long Island Sound. If a coal plant should be certified at that site, what discussion has been held so far in the hearing projects coal deliveries from the Port of Baltimore into the eastern end of Long Island Sound to a terminal within three miles of this Northville terminal. Now to supply this terminal is going to be a great deal more tanker traffic in Long Island Sound and I think this concerns all of us as well as residents in an area that is fragile and in an area in Long Island Sound that is relatively at the present time unpolluted."

Supervisor Smith: "Dr. Granttham, your first question with reference to other uses. You mean other uses at this site other than oil terminal."

Dr. Granttham: "Storage for those tanks."

Supervisor Smith: "Mr. Ackell would the tanks be used for the storage other than petroleum products?"

PUBLIC HEARING - continued

Mr. Joseph J. Ackell: "All types of oil, Mr. Supervisor. It depends on how we are able to market the newly available storage. What customers choose to use it."

Supervisor Smith: "Gasoline?"

Mr. Joseph J. Ackell: "Yes, gasoline is a possibility."

Supervisor Smith: "Various grades of petroleum products be it from gasoline to tar."

Mr. Joseph J. Ackell: "Yes, that's correct. Any kind of petroleum or any product thereof, any refined product."

Supervisor Smith: "The proposal of the Long Island Lighting Company has been examined and will there be any potential conflict between jetties and/or a pier with your operation Sir?"

Mr. Joseph J. Ackell: "I don't believe so, Mr. Supervisor. Three miles away and the potential for coal movement does not appear to me to present a traffic congestion problem for us."

Mr. David Huschle, President of the Eastern Suffolk Businessmen's Action Group, Riverhead: "Our group has asked me to make a brief statement for the Board and the Supervisor. Inasmuch as we live on an island, Long Island, many of us like to think of Islands as being Bermuda, St. Croix, or Puerto Rico, or other exotic lands. All of those islands must import to exist."

Long Island, thank God, has excellent crops, agriculture, good manufacturing facilities, fine schools and universities, and excellent communities and we learned in this past freeze this past winter, how totally dependent we are for that one import called oil or petroleum. And it's vital for our existence for every citizen on Long Island especially those in Eastern Suffolk County.

We feel that the expansion for 2.7 million barrels of oil in the Northville area will go a long way to making Long Island economically and actively independent. So that our future to a great extent depends upon this type of expansion concept and this ability for us to live and exist here on Long Island and in order for us to make a healthy place both economically and environmentally to live. So it was the opinion of the Suffolk Businessmen's Action Group that the Riverhead Town Board accept this application in as much as it would be protected by those environmental and ecological provisions set forth by the developers."

Mr. Joseph Ingegno, 92 Linda Lane West, Riverhead: "I wanted to know if there is a rupture in one of these tanks and the dikes are filled, is there always space available for the product to be pumped out of the dikes and put into a tank in

PUBLIC HEARING - continued

another area of the facility. Say a gasoline tank ruptures if there's a half full tank of #6 oil, are they going to mix the gasoline with the oil or is there always a vacant tank available to put whatever product is the dike into an empty tank?"

Supervisor Smith: "Mr. Ingegno do you have any other questions?"

Mr. Joseph Ingegno: "I have one other question. The dike area is supposedly going to be with an impervious clay which has a 36 hour seepage factor. Now why if there's a seepage factor of 36 hours why can't these dikes be lined with a rubber liner like they do for reservoirs out in the very coarse desert areas where there is no seepage at all?"

Supervisor Smith: "Mr. Ackell would you address those please?"

Mr. Joseph J. Ackell: "In response to the first question in the event that one of these tanks rupture we maintain one tank for the what we call slops and that is water that is contaminated with oil for one reason or another. That tank almost without exception is available for that purpose. During most periods there is some degree of vacancy in other tanks and products can be relocated quite expeditiously in order to make room in other tanks. In the worse kind of situation, and it was one of the reasons that we wanted to have as long a retention period as possible. We can always call in a vessel and empty out whatever tanks might be required for such a purpose. We think that time is more than adequate to utilize storage that's available and can be made available."

Councilman Menendez: "I think that Dr. Smith would concur with me that in his business he finds that oil and rubber do not mix as in his profession he has to be very careful of that I know."

Supervisor Smith: "Let's talk about the kinds of layers, Mr. Ackell, that are available."

Mr. Joseph J. Ackell: "You recall, Mr. Supervisor, that in an early state in consideration for this application we had considered using what we call P.V. C. Liners beneath each one of the tanks. It is a practice that we have used elsewhere in the world where we have built storage tanks.

However, upon evaluation and with the assistance of our advisors Mueser and Rutledge, which incidentally are the very kinds of experts that I think Dr. Smith would like to see involved in this kind of consideration. It was determined that the risk of tearing the P.V.C. Liner was a risk that was not acceptable. But rather having a clay or artificial clay base beneath the layer of

PUBLIC HEARING - continued

sand is something that was most unlikely to rupture. I think that the same principal applies in the outside pit area regardless of the consequence of oil and rubber. The risk of tearing such a layer is certainly a much greater risk than the risk of the clay not retaining any spilled oil."

Mr. Raymond McKay, Main Road, Aquebogue: "I just want to brief some of the people in this room here about Northville Industries. When they first applied for application to Riverhead Town to put tanks up there they retained our attorney and this attorney in turn went to each individual farmer adjoining Northville Industries and there were six farmers - not one consulting the other that signed these letters of easement, that we were not objecting to this terminal going up there.

And at that particular time I was going up to my attorney in the Old Town Hall down to Scheinberg and Wolfe and I came downstairs after I finished my business and the Riverhead Town Board had a meeting. One of the Town Board members was Otis Pike and they had a recess at that time. They just had finished reading these letters of easement and Otis Pike said here's a man that just signed one of those letters and boy let me tell you you're going to rue the day that you signed that letter of easement. And I said Otis, let me tell you something in turn, I'm going to remind you of that some day. He said for example, the value of land is going to go down, you could probably get \$800 an acre now. But 20 years from now you will get \$100 an acre. You will be a lucky man if you get \$100 an acre for that piece of land. I've reminded Otis a couple of times about that little issue over there because of instead of getting \$100 an acre we got \$5,000 an acre for it.

So many people can give objections to everything we want to do in Riverhead, but when they object, not once yet have I heard them to say now look we object to this, but we have a better idea where we could bring some money into the Town instead of what we're objecting to, not one. It takes a pretty small person to object, anybody can object, My father said, it takes a good strong character man to come up with a better idea.

When Northville presents that check, the tax check to the Town I don't see a big line of people standing out there saying, hey go back with that check we don't need that check of yours. No sir, boy, they don't say nothing like that."

Mr. Michael Peretta, Wading River: "I have five questions I would like to ask. Have we had any problems with the existing facilities of Northville at the present time or lately or since they've been in business? Are these tanks going to be used for any gas, as heating gas or cooking gas? Is any town money being expended on any part of this project? Have you ever had an environmental damage from Northville since their existence? How many people will this project employ further than they have on the operation phrase? How much taxes would this new project bring into the Town?"

PUBLIC HEARING - continued

Supervisor Smith: "Let's deal with the first one in priority, shall we. Describe the problems that you had in the past if you will Mr. Ackell with reference to spills. You should also Sir, probably respond to your C.P.C.C. as you refer to it up-to-date that if you will and then we'll go onto the next question."

Mr. Joseph J. Ackell: "Frankly I thought the first question was directed to you Mr. Supervisor as to whether you had any problems with us in recent years. I don't think you had, but let me address myself to your amended question and that is whether we've had any oil spills or any other activities that have been detrimental to the environment of the Town of Riverhead. The only spill that we've had in recent years is the spill that occurred in November of 1974 on a vessel called the Atlantic Communicator. The vessel was at our offshore berth a mile and a quarter offshore and after it had discharged its cargo it started to take on ballast meaning it was taking on water to lower the ship efficiently in the sea to be able to navigate properly and apparently one of the seamen had left a suction valve open instead of closed and ten to fifteen barrels of oil discharged from that vessel."

We have on our offshore platform a substantial amount of what's called oil spill containment booms and we have I believe an extremely alert personnel force. We were able to corral that oil between the Atlantic Communicator and another vessel that was at the south berth and I believe that none of the oil that was discharged from that vessel ever got out of the boom that we used to surround it. That's the only recent event."

Supervisor Smith: "Is it true Sir, that your operations with reference to such matters are subject to regular inspection and evaluation by the United States Coast Guard?"

Mr. Joseph J. Ackell: "That's correct, Mr. Supervisor. The U. S. Coast Guard approximately ten times a year has been visiting our facilities and a good deal of the time issues a written report having so inspected the facilities."

In addition, we are as you asked me a moment ago subject to the jurisdiction of the E.P.A. That's the Federal Environmental Protection Agency. Pursuant to their regulations we have to file a spill prevention control and counter measure plan. We have complied with that regulation and with respect to the expansion area facilities we will modify that plan in accordance with E.P.A. regulations and subject to their review and approval so that our plan will cover the contingency of a possible event in the expansion area."

Supervisor Smith: "I believe the next question is if you intend or could you use the tanks for liquified natural gas? I think that was the question."

PUBLIC HEARING - continued

Mr. Joseph J. Ackell: "That's one of the easiest questions to state this evening. The answer is no."

Supervisor Smith: "I'll answer the fourth question which is, there is no town money in this project and do you anticipate any additional permanent employment other than the construction force?"

Mr. Joseph J. Ackell: "Certainly nothing significant."

Supervisor Smith: "What is your project increase in your tax bill?"

Mr. Joseph J. Ackell: "Approximately \$200,000.00."

Dr. Alfred Smith: "We little people have to talk a lot cause we don't get much done."

Supervisor Smith: "But if you don't use the mike, you won't get on the tape."

Dr. Alfred Smith: "I wonder if we could get a copy of the report from Rutledge, Wentworth & Johnston. Is that possible?"

Supervisor Smith: "You can."

Dr. Alfred Smith: "They're paying a lot of taxes. The Town is increasing. Now one of the great disadvantages to our area is that our land value is going down regardless of what Otis Pike said. It is going down and our taxes are increasing all the time. Now wouldn't it be feasible for our taxes to go down with it? That has nothing to do with Northville that has to do with the Town and the Assessors."

Supervisor Smith: "I believe, Sir, that you have heard me address this particular item, that's got as you say very little to do with Northville. I wished that I could say to you that the Town of Riverhead next year or two years from now will borrow money at lower rates than it did a few weeks ago. I would like to say to you that the employees of the Riverhead Police Benevolent Association and the CSEA Association are willing to take a cut in pay next year. I do not believe that either of those will happen."

I have also spoken in the past, Sir, with reference to the effect that the farmland program on the existing tax base and we have a resolution later on in the evening with reference to tax certioraries wherein we will set aside  $\frac{1}{4}$  of a million dollars to pay for over assessments on commercial property that have occurred in the past and the situation is very frankly, Sir, that we face the prospect of losing about a million dollars of assessed evaluation in the commercial areas of Town. Those are the facts of life Sir."

PUBLIC HEARING - continued

Dr. Alfred Smith: "I guess the answer is no."

Supervisor Smith: "It is."

Dr. Alfred Smith: "On page 23 of Mr. Espeland's thing, on page 9 or paragraph 23 it says that the effect of the proposal of additional facilities expansion on the volume of water born traffic is a function of the requirement of the customers who use the new storage facilities. Over the last four years, Northville has experienced a decrease in both tanker and barge traffic at the Riverhead Terminal due in part to the increase capacity of the vessels which come to the terminal and in part to the use of the facilities by utility customers requiring standby storage."

This year we've had more tankers come in there than we did all last year. We've had over 24 tankers and I don't know how many barges, not that it makes any difference, as long as they don't spill oil."

Supervisor Smith: "If it doesn't make any difference, then we don't have to address the question."

Dr. Alfred Smith: "Well he's got it down there that we've had less traffic this year or in the last four years which is not true."

Supervisor Smith: "Do you consider 24 vessels excessive?"

Dr. Alfred Smith: "It doesn't make any difference if it's excessive or not. No, they haven't spilled any oil this year and that's all right. But somebody's got to watch them."

Mr. Stepehn Mazura, Riverhead; "I'm an Ex-Chief of the Riverhead Fire Department. I have worked in conjunction with Northville Docks for eight years and any time we wanted anything up there for drills, the layout of the plant, anything that we've ever wanted they took us. When I was Chief I had a drill there with Jamesport, Mattituck and Wading River Fire Departments and we made a few mistakes and we corrected them. And I think as far as fire fighting in Northville Dock I don't think you can beat it."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 9:50 P.M.

PERSONAL APPEARANCES

Supervisor Smith: "As the evening grows late, I would shorten up the period of time that I will allow for each speaker to five minutes. Is there anyone who chooses to address the Town Board on any subject?"

Raymond McKay: "When the Planning Board has hearings and they recommend changes in their zoning in different properties, I think it would be no more than fair if they're going to rezone a place for say agriculture to business that the party that owns this parcel of land be notified personally, that there's going to be a hearing and a change on that parcel land."

Supervisor Smith: "We are considering quite frankly, Sir, some revisions of the zoning ordinance relative to the master plan which may or may not have been involved in when it was adopted some years ago. Most of those changes, Mr. McKay, relate to the lands to the immediate south, west or north of the Grumman Aerospace Facility. We will detail as best we can the various owners of land in those areas when, as and if those hearings are held."

I contemplate that we will try to publish rather than the formal legalistic notice that is required. We will publish additionally some sort of a map showing exactly the areas that contemplate a change and hopefully people will pick up the Review and look at it and if there is property in there and they wish to question or suggest with reference to those properties, they'll show up."

Dr. Alfred Smith: "Can I just make a reminder that it's close to the 1st of June on the fishing dock."

Councilman Young: "Dr. Smith I called Preston this morning and reminded them that we're getting very anxious. They did call back and they are going to get to us."

Supervisor Smith: "We would like to see them doing the work rather than the calls but we're trying."

RESOLUTIONS

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for snow overtime February 5 to February 28, 1977 for a total of 50 hours in the amount of \$408.50, in accordance with personal services abstract submitted and filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

BE IT RESOLVED, That the Supervisor be and is hereby authorized to pay time and one-half overtime compensation to John Hansen for working during the period of February 15, 1977 to March 23, 1977 for a total of 26 hours @ \$7.50 in the amount of \$292.50.

BE IT FURTHER RESOLVED, That the time report relating to aforesaid overtime, as submitted, be filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the bid for Seat Consoles, Accessories and Installations for the Riverhead Police Department be and is hereby awarded to Eastern L. I. Electronics, Old Country Road, Quogue, New York, 11959, for the total amount of \$2,076.00,

AND FURTHER RESOLVED That the acceptance of said bid is subject to the bid and specification form submitted by Eastern L. I. Electronics.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the bid for Emergency Generator Plant and Trailer for use of the Town of Riverhead Police Department, be and is hereby awarded to Mayfair Marine Service, Inc., 127 Woodcleft Avenue, Freeport, New York, 11520 for the cost of \$5,250.00.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids for One (1) New 1977 Pickup Truck for use of the Town of Riverhead Highway Department, and be it

RESOLVED, That specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on Monday, April 18, 1977, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, April 18, 1977, at 11:00 A.M., at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on One Pickup Truck".

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids for Two (2) New 1977 Pickup Trucks for use of the Town of Riverhead Highway Department, and be it

RESOLVED, That specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on Monday, April 18, 1977, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, April 18, 1977, at 11:00 A.M., at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Two Pickup Trucks".

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That resolution duly adopted by the Town Board under date of March 15, 1977 awarding Bid for Portable Resuscitator Assembly for use by the Riverhead Town Police Department to ACCURATE FIRE AND SAFETY, for \$3,941.00, be and is hereby rescinded, and

FURTHER RESOLVED, That all bids received by the Town Clerk on February 18, 1977 for Portable Resuscitators, be and are hereby rejected.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the Town Clerk be and is hereby authorized to re-advertise for sealed bids for the purchase of Sixty (60) New Duncan Parking Meter Mechanism units or equal and Sixty (60) New Duncan Parking Meter Housings or equal and two (2) spare Parking Meter Mechanism units, and be it

RESOLVED, That specifications be prepared by Police Chief Roscoe Palmer, and bids to be returnable up to 11:00 A. M. on Monday, April 18, 1977, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, April 18, 1977 at 11:00 A.M. at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation: "Bid on Parking Meter Units".

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Board of the Town of Riverhead recognizes the need for youth in the Town of Riverhead to present their views and concerns,

AND WHEREAS, the Town Board of the Town of Riverhead recognizes the need for the youth in the Town of Riverhead to actively participate and contribute to the development and growth of a successful community.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead does hereby create the YOUTH ADVISORY COUNCIL of the Town of Riverhead,

AND BE IT FURTHER RESOLVED, that such council shall consist of 10 members, five of whom are youth and five of whom are adult, to serve at the pleasure of the Town Board,

AND BE IT FURTHER RESOLVED, that the presiding officer or chairman of the YOUTH ADVISORY COUNCIL shall be designated by the Town Board of the Town of Riverhead from among those persons appointed to the Council,

AND BE IT FURTHER RESOLVED, that the YOUTH ADVISORY COUNCIL of the Town of Riverhead, as its function, shall advise the Town Board of the Town of Riverhead on youth related problems and concerns, propose or develop feasibly solutions to these problems, and suggest or demonstrate ways in which the youth of the Town of Riverhead can adequately and successfully contribute to the proper growth, development and improvement of their community.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and before voting Supervisor Smith made the following statement: "I'm a member of several Boards of

RESOLUTIONS - continued

Directors. One being the YMCA and the other being the Cooperative Extension of Suffolk County. In both of those agencies, which I like to think are providing good services to the whole of Long Island, we make great and good use of the youths who are serviced by those agencies.

I think the same maximum applies here. We tried to take some of the things that the Town Board does into the school system with the lectures we've been doing at the Jr. High School and the High School. Those programs hopefully the young people will be able to give us some help and advice in some of the things we do and I vote "Yes".

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Bids for Resetting of Piles and Repairs of Catwalks at the Town Marina, South Jamesport, New York, were duly requested pursuant to advertisement for bids dated March 24, 1977, and

WHEREAS, In response to such advertisement, bids for Resetting of Piles and Repairs of Catwalks at the Town Marina, South Jamesport, New York, were duly received by Town Clerk on Monday, April 4, 1977, at 11:00 A.M. as follows:

	<u>Bid Price for Resetting Of Piles and Repairs of Catwalks</u>
A. Lawrence Galasso Meetinghouse Creek Road Aquebogue, N. Y. 11931	\$3,250.00
Aqua-Dock, Dock Builders 1 Rampasture Road, P.O. Box 235 Hampton Bays, N.Y. 11946	\$3,378.00
Joseph Zanghi 18 Central Avenue Hauppauge, New York 11787	\$6,900.00

NOW, THEREFORE, BE IT RESOLVED, That this Town Board awards the Bid for the Resetting of Piles and Repairs of Catwalks at the Town Marina, South Jamesport, New York to A. Lawrence Galasso, Meetinghouse Creek Road, Aquebogue, N.Y. 11931 for \$3,250.00, and

FURTHER RESOLVED, That the acceptance of said bid is subject to the bid and specification form submitted by A. Lawrence Galasso and filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Board and the Riverhead Unit of the Civil Service Employees Association of Suffolk County, Inc., have negotiated to a point of impasse, have received the Fact Finders recommendations, and have been unable to agree upon a contract,

NOW, THEREFORE, be it

RESOLVED, that a Legislative Hearing be held with reference to said labor dispute on the 3rd day of May, 1977, at 7:45 P.M., and that the Town Clerk be, and she hereby is, authorized to publish and post the a Notice of Public Hearing.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and before voting Supervisor Smith made the following comment: "I'm going to vote yes, but I want to point out something that I pointed out to the Town Board. Mr. Hansen and I wish to attend a rather important meeting held by the State Comptroller on those dates with reference to many of the matters involving computerization of our books and the application of a computer to full value assessments which is preferably something that I mentioned with Dr. Smith on those dates, so we may be changing that date and I vote, "Yes".

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, on the 15th day of March, 1977, a special permit hearing was held before the Town Board of the Town of Riverhead, pursuant to the provisions of Chapter 108 of the Code of the Town of Riverhead to hear all those persons interested in the application of Mortimer Barr, et al., for an extension of a condominium building permit for land situated on the north side of Middle Road in the Town of Riverhead, and

WHEREAS, no persons spoke with reference to said hearing, and

WHEREAS, the Town Board has considered the minutes of the prior hearings, has reviewed the prior permit, and has completed an investigation of the facts and circumstances surrounding said application,

NOW, THEREFORE, be it

RESOLVED, that said permit be extended for a period of one (1) year from this date, and that all the terms and conditions of the aforesaid permit shall apply.

It is further found and concluded that all the conditions, findings, and conclusions of law that were made in the issuance of the prior permit prevail at this time with the exception of the state of the building market, and that said condition constitutes the reason that construction has not begun to this date, and said condition is beyond

RESOLUTIONS - continued

the control of either the applicant or this Town Board.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, the action "Haugaard vs. Town of Riverhead", has been submitted to Mr. Justice Thom for decision on motions for summary judgment, and

WHEREAS, the plaintiff has submitted to the Town Board a handwritten stipulation, dated April 1, 1977, and filed in the Office of the Town Clerk,

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds that an emergency condition with reference to the condition of Timber Park within the subdivision known as Timber Park, and that the Highway Superintendent be, and he hereby is, authorized to repair Timber Drive in the two locations where flooding conditions exist, so that said roads are accessible to emergency vehicles.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, that the Town Clerk be, and she hereby is, authorized to publish and post a notice for competitive bids for a four-wheel drive tractor for the Recreation Department, in conjunction with the office of the Town Attorney.

NOTICE TO BIDDERS

PLEASE TAKE NOTICE, that the sealed bids for One (1) New Four-Wheel Drive Tractor and Bucket Loader for the Recreation Department will be received by the Town Clerk, up to 11:00 a.m. on April 25, 1977, at which time and place they will be publicly opened and read aloud.

Complete specifications are available for inspection at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York.

Each envelope bearing such bid shall be plainly marked by the person bidding, "Bid on One (1) New Four-Wheel Drive Tractor and Bucket Loader - Recreation Department".

Bid forms may be obtained from the Town Clerk, Town Hall, 200 Howell Avenue, Riverhead, New York during the usual business hours.

The Town Board reserves the right to reject any and all bids.

RESOLUTIONS - continued

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

OPPOSES STATE LEGISLATION RE: ASSEMBLY BILL #31374 - ASSESSORS

WHEREAS, it has come to this Board's attention that there is pending before the Senate of the State of New York a bill that would subject the Assessors of the Town of Riverhead to the jurisdiction of the County of Suffolk, and would enable the State of New York or County of Suffolk to dictate to the Assessors of the Town of Riverhead the method of assessment and the control of their employees,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Riverhead does find that said proposed legislation is contrary to the principles of home rule and further has the potential for further complicating the workings of the Assessors of the Town of Riverhead and all other towns in the State of New York, and, therefore, this Town Board does come out as being opposed to said legislation and directs the Town Clerk to send copies of this resolution to our representatives in the Assembly and Senate and the Governor of the State of New York.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, the Town Board, pursuant to the provisions of the Freshwater Wetlands Act, has held a hearing on the application of Bogdan Radanovich, and

WHEREAS, the recommendation of the Conservation Advisory Council has been filed in the Office of the Supervisor, dated April 4, 1977,

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk be, and she hereby is, authorized to notify the applicant to proceed with the proposed filling in accordance with the application filed with the Conservation Advisory Council.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, certain flooding conditions exist on Sound Shore Road and have hereto been designated by the Town Board

RESOLUTIONS - continued  
as Drainage Problem No. 45, and

WHEREAS, an alternative solution to Drainage Project No. 45 exists with the installation of a sump on the south side of Sound Shore Road on lands now or formerly of Bear, and

WHEREAS, said property is available for purchase by negotiated sale,

NOW, THEREFORE, be it

RESOLVED, that the firm of Young & Young be, and it hereby is, retained and directed to investigate the feasibility of the installation of a sump on the south side of Sound Shore Road for the purposes of correcting such situation, and be it

FURTHER RESOLVED, that James Kaelin and Edwin Fishel Tuccio be, and they hereby are, authorized and retained to make appraisals of Lot No. 4 on the minor subdivision of Bear, and that both the appraisors and the land surveyor shall be paid a reasonable fee for such services.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, as a condition of the grant to the Town of Riverhead for the Senior Nutrition Program, this Board must retain the services of a Nutritionist, and

WHEREAS, the County of Suffolk has recommended Susan V. Tuthill for said position as a part-time worker,

NOW, THEREFORE, be it

RESOLVED, that Susan V. Tuthill be, and she hereby is, hired as a part-time worker in the Senior Nutrition Program as a Nutritionist, at an hourly salary of Twelve and 50/100 (\$12.50) Dollars, effective January 1, 1977.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Board of the Town of Riverhead in the Budget Year 1977 has set aside certain funds for the payment of judgments and claims in the amount of One hundred thousand and 00/100 (\$100,000.00) Dollars, and

WHEREAS, the Town Board has been advised by its special counsel and Town Attorney that prospective claims for the year 1977 will total approximately Two hundred fifty thousand two hundred eighty-six and 97/100 (\$250,286.97) Dollars,

NOW, THEREFORE, be it

RESOLVED, that this Town Board does hereby authorize

RESOLUTIONS - continued

and direct the Supervisor to transfer the sum of One hundred fifty thousand two hundred eighty-six and 97/100 (\$150,286.97) Dollars from the contingent account to the claims and judgments accounts, thereby establishing an amount of Two hundred fifty thousand two hundred eighty-six and 97/100 (\$250,286.97) Dollars in the judgments and claims account, and be it

FURTHER RESOLVED, that the Supervisor is hereby directed to encumber the entire Two hundred fifty thousand two hundred eighty-six and 97/100 (\$250,286.97) Dollars for the payments of the claims of Marland Realty Corp., Marvin Getlan, Paramount Apparels, Riverhead Motors, Riverhead Theater, Riverhead Associates, LeCar Realty, and H. O. Penn Machinery Company.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

Supervisor Smith then made the following statement: "The situation that we face in the Town of Riverhead with reference to commercial property which I refer to previously leads to the resolution that you have just heard.

If I can use the most dramatic example that comes to mind of these settlements is if you take the assessment that is currently existent on the Suffolk Theater down street Riverhead and you multiply that assessment times the equalization rate in that area the equation tells us in theory that the Suffolk Theater is worth \$400,000.00. As the Attorney for the Suffolk Theater says, I will sell it to any dope with \$200,000.00 cash money in his hand --- and he doesn't have any takers.

Faced with those situations and having been sued, some of these cases dating back about five years, are now coming up on the calendar for settlement and we must in the exercise of prudence realize this fact and set aside certain monies for the payment of these claims which we are doing.

It all leads to this and the farmland exemption and a few other things that are pending that full valuation and yearly or every couple of years a revaluation of on-going process in the Town of Riverhead is coming. We have discussed this with the Assessors. We have tentatively agreed that one plan of attack between the two officers, that being the Town Board and the Assessors shall be the consideration in the year 1978 of the acquisition of an in-house computer to aid us in this effort and a target date of taxable status day of June 1st, 1979 for full valuation in this community."

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that Edmund A. Morganstern be, and he hereby is, hired as the Bingo Inspector for the Town of Riverhead, at a per hourly rate of Five and 25/100 (\$5.25) Dollars per hour, not to exceed Three thousand and 00/100 (\$3,000.00)

RESOLUTIONS - continued

per annum.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, this Town Board has been asked to approve a site plan for a structure known as Judge's Hotel in the Hamlet of Wading River, and

WHEREAS, this Town Board has reviewed said application, and has taken specific note that the applicant commenced construction without a building permit and that said structure is not attached to the main structure, and that the main structure is a pre-existing, non-conforming use,

NOW, THEREFORE, be it

RESOLVED, that said site plan is disapproved by this Town Board.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Harold Forkas has applied for site plan approval for a Midas Muffler Shop on the northerly side of County Road 58, west of its intersection with Ostrander Avenue, and

WHEREAS, the Town Board has met and reviewed said site plan,

NOW, THEREFORE, be it

RESOLVED, that this Town Board does approve said site plan as set forth on the attached survey, initialled and dated by the Supervisor, which provides, in part: that there be an additional ten (10) foot wide planted buffer along the westerly lot line, adjacent to parking stalls, numbered one (1) through ten (10); that the proposed fence on the westerly lot line be eliminated from its most southerly point to the northerly boundary of parking space number ten (10); that the fence, as shown on the easterly side of the plot, be reduced to a height of four (4) feet from a point opposite the front line of the structure to the intersection with Route 58; that from the rear building line to the road line of County Road 58, on the easterly side, that the applicant show a plan of landscaping to be approved by the Building Department that the rear parking spaces numbered sixteen (16) to nineteen (19), twenty-three (23) to twenty (20), twenty-nine (29) to twenty-six (26), and thirty-six (36) to thirty-three (33) be eliminated, and that area shall be landscaped in a manner to be approved by the Building Department; and that the applicant consult with the Townscape Committee

RESOLUTIONS - continued

about the design and figuration and placement of any and all signs to be erected at this location, and that no building certificate of occupancy shall be issued until all landscaping as provided herein is complete.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and before voting Supervisor Smith made the following statement: "There are all sorts of conditions. It's getting so late I can't remember whether I mentioned each of them as we went through your brief little hearing with the additional proviso with the discussions with Mrs. Tormey that your building will be no closer to County Route Road 58 than an imaginary line between the most subtly point of Burger King and the most subtly point of the Texaco station. And on the further proviso that should an inspection disclose the additional parking as provided in the ordinance is required that the same will be installed."

Supervisor Smith then voted Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

WHEREAS, certain drainage problems exist at 515 Sweezy Avenue and in the subdivision known as Hartwood on the Sound, and further certain engineering work is required on Roanoke Avenue, north of Sound Avenue, with reference to the relocation of telephone poles

NOW, THEREFORE, be it

RESOLVED, that the firm of Young & Young be, and they hereby are, retained to advise the Town Board with reference to the problems above stated, with reference to drainage and the relocation of telephone poles on Roanoke Avenue, north of Sound Avenue, and that a reasonable fee be paid for those services.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Adams Service Garage has submitted to this Town Board vouchers for services performed to the parking meter fund which date back to December 9, 1964, which total One thousand six hundred three and 73/100 (\$1,603.73) Dollars, and

WHEREAS, the statute of limitations with reference to such claims is seven (7) years,

NOW, THEREFORE, be it

RESOLVED, that this Board hereby allows said claims from the date of the claimant's certification, to wit: April

RESOLUTIONS - continued

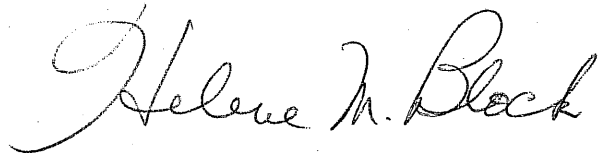
23, 1976, for a period of seven (7) years in a total amount of Two hundred seventy-seven and 18/100 (\$277.18) Dollars to be charged against the parking meter account, contractual expenses A 3320.400.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

Supervisor Smith then made the following statement: "The first bill is dated on December 9, 1964. That's a lot of work and we're not saying that he didn't do it, but that's 10 plus years ago and a lot of budgets have come and gone in the interim. So we're going to pay them for those claims that would not be barred by the Statute of Limitations."

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the meeting adjourned at 10:32 P.M. to meet April 19, 1977 at 7:30 P.M.

A handwritten signature in cursive script that reads "Helene M. Block". The signature is written in dark ink and is positioned above the printed name of the signatory.

HMB/vlv/ee

Helene M. Block, Town Clerk